

REMARKS/ARGUMENTS

Claims 1-17 are pending herein. Claims 1-17 have been amended to address matters of form.

Applicants appreciate the Examiner's indication that claims 16 and 17 would be allowed if rewritten in independent form. For the reasons explained below, however, original independent claim 1 is believed to be allowable over the applied prior art.

1. Claims 1, 2, 6 and 7 were rejected under §102(b) over EP 0628265. This rejection is respectfully traversed.

Claim 1 recites a device for adjusting the carrying position of a rucksack wherein the rucksack back accommodates an endless belt arranged in its central longitudinal plane.

EP '265 at least fails to disclose the inclusion of an endless belt with the adjusting device. The Examiner indicates, in paragraph 2 of the present Office Action, that "the rucksack (100) back (see Figures 4-6) is designed to accommodate an endless belt (110) arranged in its central longitudinal plane." Applicants, however, respectfully submit that the alleged endless belt (110) is not an endless belt. In fact, EP '265 discloses, in column 10, lines 49-55, that the "strap 110 includes a fixed end which is fixedly attached to a back surface portion 102 ... and then extends downwardly to connect to a cable 115, which terminates in a ring 118." Clearly, the alleged endless belt (110) of EP '265 is not endless.

The endless belt of the present invention, as shown in Fig. 4 of the present application, endlessly loops around an upper spindle 10b and a lower spindle 11b and does not terminate or end at any point. In other words, an endless belt does not have a "fixed end which is fixedly attached," as does the alleged endless belt (110) disclosed in EP '265. Therefore, EP '265 fails to disclose or suggest a device for adjusting the carrying position of a rucksack wherein the rucksack back accommodates an endless belt arranged in its central longitudinal plane, as recited in claim 1. Since claims 2, 6 and 7 depend either directly or indirectly from claim 1, those claims are also believed

to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

2. Claim 3 was rejected under §103(a) over EP ‘265 over Askins. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP ‘265. Since Askins does not overcome the deficiencies of EP ‘265, and since claim 3 depends indirectly from claim 1, claim 3 is also believed to be allowable over the applied art.

3. Claims 4 and 5 were rejected under §103(a) over EP ‘265 in view of Busch. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP ‘265. Since Busch does not overcome the deficiencies of EP ‘265, and since claims 4 and 5 depend either directly or indirectly from claim 1, those claims are also believed to be allowable over the applied art.

4. Claim 8 was rejected under §103(a) over EP ‘265 in view of Busch and further in view of Chou. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP ‘265. Since Busch and Chou fail to overcome the deficiencies of EP ‘265, and since claim 8 depends indirectly from claim 1, claim 8 is also believed to be allowable over the applied art.

5. Claim 9 was rejected under §103(a) over EP ‘265 in view of Busch and further in view of Gleason. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP ‘265. Busch and Gleason do not overcome the deficiencies of EP ‘265, and since claim 9 depends indirectly from claim 1, claim 9 is also believed to be allowable over the applied art.

6. Claims 10-12 and 14 were rejected under §103(a) over EP ‘265 in view of Busch and further in view of Landy. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP ‘265. Since Busch and Landy do not overcome the deficiencies of EP ‘265, and since claims 10-12 and 14 depend

indirectly from claim 1, claims 10-12 and 14 are also believed to be allowable over the applied art.

7. Claim 13 was rejected under §103(a) over EP '265 in view of Busch and Landy and further in view of Chou. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP '265. Since Busch, Landy and Chou do not overcome the deficiencies of EP '265, and since claim 13 depends indirectly from claim 1, claim 13 is also believed to be allowable over the applied art.

8. Claim 15 was rejected under §103(a) over EP '265 in view of Busch and Landy and further in view of Johnson. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from EP '265. Since Busch, Landy and Johnson do not overcome the deficiencies of EP '265, and since claim 15 depends indirectly from claim 1, claim 15 is also believed to be allowable over the applied art.

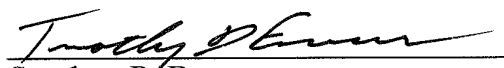
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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